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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/173,828 10/16/98 VAZQUEZ

J

QM02/0130

EXAMINER

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ART UNIT

PAPER NUMBER

3746

DATE MAILED:

01/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/173,828

Applicant(s)

Vazquez

Examiner

Michael Koczo, Jr.

Group Art Unit

3746

 Responsive to communication(s) filed on Aug 8, 2000 This action is FINAL. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ONE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

 Claim(s) 8-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

 Claim(s) _____ is/are allowed. Claim(s) _____ is/are rejected. Claim(s) _____ is/are objected to. Claims 8-35 are subject to restriction or election requirement.

Application Papers

 See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on _____ is/are objected to by the Examiner. The proposed drawing correction, filed on _____ is approved disapproved. The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

 Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

 Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Elected I Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 9 to 11, 23 and 24, drawn to a rotary piston internal continuous combustion engine, classified in class 123, subclass 204.
- II. Claims 12, 13 and 27, drawn to a rotary piston steam engine having means for recovering used steam, classified in class 60, subclass 670.
- III. Claims 17 to 20 and 31 to 34, drawn to a rotary piston expansible chamber heart pump, classified in class 604, subclass 151.
- IV. Claim 25, drawn to a rotary piston internal continuous combustion engine wherein cooling water changes to steam which is used for power production, classified in class 60, subclass 618.

The inventions are distinct, each from the other because of the following reasons:

Inventions I to IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, such as the internal combustion engine, steam engine and heart pump are clearly not capable of use together.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Claims 8, 14, 15, 16, 21, 22, 26, 28, 29, 30 and 35 will be examined with the claims of the elected invention.



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